



Copy of Signed Decision

Title of Matter: Application/Notification by Australian Hotels Association-New South Wales Branch
Section: s.189(1) RO Act - Notification of elections for office (**Scheduled election**)
Subject: Representatives from NSW Branch to National Accommodation Hotels Division (2); and Delegates from Branch to National Board (7)
Matter Number(s): E2015/65

Dear Australian Electoral Commissioner via the Electoral Officer

Under subsection 189 of the *Fair Work (Registered Organisations) Act 2009*, please arrange for the conduct of the above election.

A copy of the Delegate's decision is attached for your information.

The relevant rules can be accessed via the [website](#).

Contact: Mr Colin Waller of the organisation, as per the prescribed information.

Please send the declaration(s) and post election report to the Fair Work Commission at orgs@fwc.gov.au.

Inquiries:

Any inquiries relating to this matter are to be directed to Carolyn Moloney through orgs@fwc.gov.au.

2 MARCH 2015



FairWork
Commission

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A copy of the Delegate's election decision in relation to the above matter is attached for your information.

Please note: Section 233(2) of the *Fair Work (Registered Organisations) Act 2009* requires details of changes to an organisation's records be declared to the Fair Work Commission. This includes changes resulting from the conduct of elections. Changes must be declared within 35 days of their occurrence.

Inquiries:

Any inquiries relating to this are to be directed to Carolyn Moloney

Phone: [REDACTED] email: carolyn.moloney@fwc.gov.au, Fax: 02 9380 6990.

2 MARCH 2015



DECISION

Fair Work (Registered Organisations) Act 2009
s.189—Arrangement for conduct of an election

Australian Hotels Association
(E2015/65)

MR ENRIGHT

MELBOURNE, 2 MARCH 2015

Arrangement for conduct of election.

[1] On 28 January 2015 the New South Wales Branch of the Australian Hotels Association (the organisation) lodged with the Fair Work Commission the prescribed information in relation to an election for the following offices:

National Board Delegate (in addition to Branch President) (7)

Representatives to National Accommodation Hotels Division (2)

[2] The prescribed information was not lodged before the prescribed day in accordance with section 189(2) of the *Fair Work (Registered Organisations) Act 2009* (the Act).

[3] On 26 February 2015 the organisation provided a request for an extension of time for lodgement for reasons related to the unavailability of authorised officers. Having regard to the reasons for the request, and in accordance with section 189(2) of the Act, I allow the requested extension.

[4] I am satisfied that an election for the abovenamed offices is required to be held under the rules of the organisation and, under subsection 189(3) of the *Fair Work (Registered Organisations) Act 2009*, I am making arrangements for the conduct of the election by the Australian Electoral Commission.



DELEGATE OF THE GENERAL MANAGER

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MOLONEY, Carolyn

From: Phillip Ryan [REDACTED]
Sent: Thursday, 26 February 2015 4:31 PM
To: MOLONEY, Carolyn; Orgs
Subject: RE: AHA NSW Branch scheduled election

Dear Ms Moloney,

I refer to your correspondence and hereby advise that the Australian Hotels Association NSW Branch requests an extension of time for the filing of the prescribed information.

The delay in the filing of the prescribed information was attributed to the Christmas/New Year period and the availability of the relevant authorised officers to sign the documentation.

I take this opportunity to advise the Fair Work Commission that the Association will be taking active steps to have prescribed information for these elections completed and filed in conjunction with the final meeting of the Council of the AHA NSW – namely early to mid November.

Yours faithfully,

Phillip Ryan
Director, Legal and Industrial Affairs

Level 15, Hudson House
131 Macquarie Street,
Sydney NSW 2000

**AHA
NSW**

ahansw.com.au
Incorporating TAA NSW

From: MOLONEY, Carolyn [[mailto:\[REDACTED\]](mailto:[REDACTED])]
Sent: Wednesday, 11 February 2015 1:33 PM
To: Phillip Ryan
Cc: Jessica Hannaford
Subject: AHA NSW Branch scheduled election

Dear Mr Ryan,

Please refer to the attached correspondence to Mr Waller, in relation to the scheduled election of offices for the AHA NSW Branch. The letter is also in today's mail.

Please don't hesitate to contact me if you wish to discuss this matter.

Kind regards,

CAROLYN MOLONEY
Assistant Adviser
Regulatory Compliance Branch

Fair Work Commission

Tel: [REDACTED]
Fax: 02 9380 6990
[REDACTED]

Level 10, Terrace Tower, 80 William Street
East Sydney NSW 2011

www.fwc.gov.au

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11 February 2015

Mr Colin Waller
Secretary/Treasurer
New South Wales Branch
Australian Hotels Association
Level 15 Hudson House
131 Macquarie Street
Sydney NSW 2000

Dear Mr Waller,

Extension of time - Scheduled election for offices [E2015/65]

I refer to the prescribed information for a scheduled election of offices of the NSW Branch (the Branch) of the Australian Hotels Association (the AHA), which was lodged with the Fair Work Commission (the Commission) on 28 January 2015.

The prescribed information stated that the offices requiring election were two (2) Representatives to the National Accommodation Hotels Division; and eight National Board Delegates (8) - noting that one of the National Board Delegates is to be filled by the Branch President ex officio.

Regulation 138(3) of the *Fair Work (Registered Organisations) Regulations 2009* provides that the prescribed day for lodgment of prescribed information for an election is the day occurring 2 months before the day when a person may, under the rules of the organisation or branch, become a candidate in an election.

As noted in the prescribed information, rule 11(e) of the National rulebook of the AHA provides that:

"(The) Returning Officer shall at least fourteen (14) days prior to the first day of April in each year call for nominations for the Branch's representatives to the National Board by circular to each member of the Branch Committee of Management".

I note that the Commission wrote to the Branch on 8 December 2014 and provided a courtesy reminder about the obligation to lodge the prescribed information before the prescribed day.

The prescribed information was not lodged before the prescribed day, which in accordance with the above is 2 months and 14 days prior to 1 April 2015.

Section 189(2) of the *Fair Work (Registered Organisations) Act 2009* provides that the General Manager (or her Delegate) may allow the prescribed information to be lodged on a later day.

For this purpose, could you please provide a brief letter requesting an extension of time for the lodgment of the prescribed information, and include brief reasons why it was not lodged before the prescribed day. On receipt of such a letter I will forward the matter to the Delegate of the General Manager for consideration.

Should you seek any clarification in relation to the above, please contact me on [REDACTED] or via email at [REDACTED]

Yours sincerely,

A handwritten signature in cursive script, appearing to read 'Moloney', with a long horizontal flourish extending to the right.

Carolyn Moloney
Regulatory Compliance Branch



FairWork
Commission

Copy of Prescribed Information

Title of Matter: Application/Notification by Australian Hotels Association-New South Wales Branch
Section: s.189(1) RO Act - Notification of elections for office
Subject: Scheduled election: Representatives from NSW Branch to National Accommodation Hotels Division (2); and Delegates from Branch to National Board (7)
Matter Number(s): E2015/65

Attn: Electoral Officer

A copy of the Prescribed Information in relation to the above matter is attached for your information.

The election decision will be forwarded to your office in due course.

Inquiries:

Any inquiries relating to this are to be directed to: orgs@fwc.gov.au.

29 JANUARY 2015

Fair Work (Registered Organisations) Act 2009 (Cth)

Section 189 (1);

Fair Work (Registered Organisations) Regulations 2009

Regulation 138;

Prescribed Information

**Election in Australian Hotels Association, New South Wales Branch –
Representative to the National Accommodation Hotels Division 2015**

(a) Name of each office for which election is required:

- Representative of the Australian Hotels Association, New South Wales Branch to the National Accommodation Hotels Division of the Australian Hotels Association.

(b) Reasons for election:

- Election is required to be conducted annually (see Rule 42 of the Rules of the Australian Hotels Association).
- The term of each current office will expire in the normal course.

(c) The number of offices to be filled:

- Two (2).

(d) The name of the branch, section or other division to which the election relates:

- The Accommodation Division of the New South Wales Branch of the Australian Hotels Association.

(e) Date and time of commencement and expiration of period for calling of nominations:

- The Rules do not specify a date for the opening of nominations.
- However, nominations shall close not less than fourteen (14) days nor more than thirty (30) days after the last nomination form

is posted (See Rule 42 (c) and Rule 16 (a) of the Rules of the Australian Hotels Association).

(f) The day provided in the Rules of the Organisation as the day on which the roll of voters is to close:

- Seven (7) days before the day upon which nominations for the election open – see Rule 42 (c).

(g) Method of election

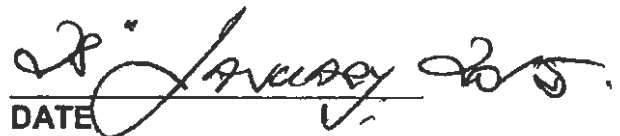
- Direct Voting System.

The information referred to in this statement is lodged in accordance with Section 189 (1) of the Act.

I am an officer of the Branch authorised to make this statement pursuant to Rule 28.8 of the Rules of the Australian Hotels Association, New South Wales Branch.



COLIN WALLER
Secretary/Treasurer


DATE

Fair Work (Registered Organisations) Act 2009 (Cth)

Section 189 (1);

Fair Work (Registered Organisations) Regulations 2009

Regulation 138;

Prescribed Information

**Election in Australian Hotels Association, New South Wales Branch –
Delegates to National Board for 2015**

(a) Name of each office for which election is required:

- Delegates of the Australian Hotels Association, New South Wales Branch, to the National Board of the National Organisation.

(b) Reasons for election:

- Election is required to be conducted annually (see Rule 11 (aa) of the Rules of the Australian Hotels Association;
- The term of each current office is due to expire in the normal course, in the normal course of events at the Annual meeting of the Board in 2015.

(c) The number of offices to be filled:

- Eight (8) (See Rule 11(aa)(A) (8) and Rule 11 (aa) (C) of the Rules of the Australian Hotels Association;
- Note: One of these offices is filled by the President of the Branch ex officio – (See Rule 11 (aa) (D) of the Rules of the Australian Hotels Association.

(d) The name of the branch, section or division to which the election relates:

- The Branch Committee of Management of the New South Wales Branch of the Australian Hotels Association.

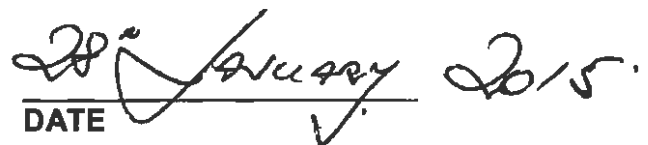
(e) Date and time of commencement and expiration of the period for calling of nominations:

- The commencement of the period for calling nominations is at least 14 days prior to the first day of April (See Rule 11 (e) of the Rules of the Australian Hotels Association);
 - The expiration of the period for calling of nominations is 1 April (See Rule 11 (f) of the Rules of the Australian Hotels Association).
- (f) The day provided in the Rules of the Organisation as the day on which the roll of voters is to close:
- Seven (7) days before the day upon which nominations for the election open – see Rule 11 (e).
- (g) Method of election
- Collegiate Electoral System.

The information referred to in this statement is lodged in accordance with s.189 (1) of the *Fair Work (Registered Organisations) Act 2009*.

I am an officer of the Branch authorised to make this statement pursuant to Rule 28.8 of the Rules of the New South Wales Branch of the Australian Hotels Association.


COLIN WALLER
 Secretary/Treasurer


 DATE